

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAUREN SPEARS,

Plaintiff,

v.

EL DORADO COUNTY JAIL,

Defendant.

No. 2:21-cv-1458 KJM AC P

ORDER

Plaintiff has filed a motion for an extension of time. ECF No. 14. The undersigned has already recommended that this case be dismissed for failure to prosecute, specifically for failure to timely file an in forma pauperis application. See ECF No. 12.

Although plaintiff does not identify the task for which she needs additional time, the fact of the request indicates that that she wishes to proceed with this case. Moreover, plaintiff has now filed a completed application to proceed in forma pauperis. ECF No. 13. Accordingly, the court concludes that plaintiff has not abandoned the case, and the recommendation for dismissal will be withdrawn.

The court also notes that plaintiff has filed her complaint on a California Superior Court form. Plaintiff is informed that this is not the proper form to use this court. She is also informed that she cannot receive relief from the state courts by filing a state court form in a federal court.

Plaintiff will be sent the court's civil rights complaint form. Plaintiff should review it

1 carefully. If plaintiff concludes that she does wish to file a complaint in federal court, she should
2 use the form provided. If plaintiff files such a complaint, it will be considered to be plaintiff's
3 first amended complaint. If plaintiff concludes that she wishes to proceed only in state court, she
4 may file a complaint in that court and notify this court that she wishes to voluntarily this federal
5 case.

6 Accordingly, IT IS HEREBY ORDERED that:

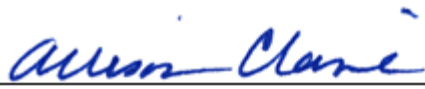
7 1. The Clerk of Court shall send plaintiff a copy of this court's civil rights complaint for a
8 non-prisoner;

9 2. The findings and recommendations issued January 14, 2022 (ECF No. 12), are hereby
10 VACATED;

11 3. Plaintiff's motion for an extension of time (ECF No. 14) is DENIED as moot; and

12 4. Within thirty days from the date of this order, plaintiff shall either (a) complete and file
13 in this court the civil rights complaint form sent to her or (b) file a document stating that she
14 wishes to voluntarily dismiss this action.

15 DATED: April 18, 2022

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17 ALLISON CLAIRE
18 UNITED STATES MAGISTRATE JUDGE
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